THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 21891 OF 2001

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ORDER:

This Writ Petition is filed, seeking Writ of Mandamus, to declare the action of the respondents in not restoring power supply to the service connection No.F1-727 provided to the petitioner's premises bearing No. 1-7-1072/B, situated in Musheerabad, Hyderabad, as illegal and arbitrary, and, for consequential direction to restore the power supply.

It is the case of the petitioner that there are no arrears on account of power consumption with regard to service connection No.F1-727. In spite of the same, the respondents have disconnected the power supply.

Counter affidavit is filed on behalf of the respondents, stating, that in the premises in question, there are two service connections bearing Nos. F1-727 and F1-730, in the name of one Sri D.Ashok Kumar. The petitioner is the tenant in the premises. It is stated that with regard to service connection No. F1-730, a case for malpractice was registered earlier and total amount of Rs.30,373/- is the outstanding due from the said service connection. It is further stated, in view of the powers conferred on the respondents under Condition No. 42.3 (d) of terms and conditions of supply framed under Electricity (Supply) Act 1948, they are empowered to disconnect the power supply with regard to other service connection also, which is in the same premises. It is further stated that subsequently one Smt. G.Sandya Rani, has purchased to the extent of 50% of the said complex and she has already paid 50% of the due amount, i.e. Rs.15,186.50 Np and balance amount, which is due, is yet to be paid.

Inasmuch as it is not in dispute that both service connections are initially provided to the same building and in the name of Sri D. Ashok Kumar, the respondents are empowered to disconnect the power supply not only to the service connection for

which there are arrears, but also, the other connection in the same building, in view of the power conferred on them under Condition No. 42.3 (d) of terms and conditions of supply. In that view of the matter, the action of the respondents in disconnecting the power supply cannot be said to be illegal and arbitrary. At the stage of admission, this Court has directed to restore the power supply subject to condition of payment of arrears, if any, in respect of service connection No. F-727. It is stated, that pursuant to the interim order of this Court, power supply is restored. Inasmuch as the respondents are empowered to disconnect the power supply to service connection No.F1.727 also to recover the arrears on service connection No. F.730, in that view of the matter, I dispose of the Writ Petition directing the respondents to take steps to recover the amount due, by issuing fresh notice to the petitioner and take steps accordingly, after providing opportunity to him.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 29---09--2005.

Msnr